

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHERRI L. LOVE,
Plaintiff,

v.

MEDICAL UNIT E FMWCC, *et al.*,
Defendants.

Case No. 2:20-cv-00525-JAD-EJY

ORDER

Pending before the Court are two filings by Plaintiff Love. In ECF No. 43, Plaintiff states she submitted a Second Amended Complaint (“SAC”) on November 9, 2021 but failed to include a Motion for Leave to Amend with the proposed SAC. Plaintiff asks the Court to treat her filing—ECF No. 43—as such a motion. Plaintiff has also filed ECF No. 44 in which she seeks to amend the Scheduling Order entered by the Court. Plaintiff contends she needs extensions because she filed a proposed SAC and is appealing the denial of appointment of counsel.

The Court has not received Plaintiff’s proposed SAC as of the date of this Order. Nevertheless, the Court will accept Plaintiff’s filing, ECF No. 43, as a Motion for Leave to Amend. Plaintiff is advised, however, that the document is incomplete as Plaintiff fails to provide points and authorities in support of her Motion. LR 7-2(a) (all “motion[s] must be supported by a memorandum of points and authorities.”); LR 7-2(d) (“The failure of a moving party to file points and authorities in support of the motion constitutes a consent to the denial of the motion.”). Subject to any opposition filed by Defendants, the Court will screen Plaintiff’s proposed SAC once it is received by the Court.

The Court declines to extend the operative Scheduling Order in this case, which was just filed on October 29, 2021. ECF No. 36. The time within which a party may amend pleadings, as stated in the Scheduling Order, does not expire until December 27, 2021. *Id.* Discovery does not close until January 22, 2022, and motions or stipulations to extend discovery may be filed up to January 5, 2022. *Id.* Further, Plaintiff fails to provide good cause in support of extending these

1 deadlines as required by LR 26-3 (“A motion or stipulation to extend any date set by the discovery
2 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-
3 1, be supported by a showing of good cause for the extension.”).

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion asking the Court to accept
5 her filing (ECF No. 43) as the required Motion to Amend Pleadings is GRANTED to the extent
6 the Court recognizes Plaintiff has now filed such a motion albeit without supporting points and
7 authorities. The acceptance of the Motion to Amend does not mean that once Plaintiff’s proposed
8 Second Amended Complaint is received it will proceed. The Second Amended Complaint will be
9 screened pursuant to 28 U.S.C. § 1915.

10 IT IS FURTHER ORDERED that Plaintiff’s Motion to Amend Scheduling Order (ECF
11 No. 44) is DENIED.

12 DATED this 16th day of November, 2021.

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15 ELAYNA J. YOUCHAH
16 UNITED STATES MAGISTRATE JUDGE
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